

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY SHEARER	:	
	:	CIVIL ACTION
v.	:	
	:	
SHIRLEY R. MOORE SMEAL; THE DISTRICT	:	
ATTORNEY OF THE COUNTY OF PHILADELPHIA;	:	NO. 11-5315
THE ATTORNEY GENERAL OF THE STATE OF	:	
PENNSYLVANIA	:	

ORDER

AND NOW, this 21st day of July, 2015, upon consideration of petitioner's "Independent Action Rule 60(d)(1)-(3)" motion, respondent's "Response to Motion for Extraordinary Relief," and petitioner's "Reply to Respondent's Reply to Independent Action," and for the reasons set forth in the accompanying memorandum of today's date, it is **ORDERED** that:

1. Petitioner's "Independent Action Rule 60(d)(1)-(3)" motion (paper no. 43) is **DENIED**.

2. A certificate of appealability will not be granted.

/s/ Norma L. Shapiro

J.